

(Draft - Awaiting Formal Approval)

**MINUTES OF THE
JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, October 21, 2009 – 2:00 p.m. – Room 30 House Building

Members Present:

Sen. Jon J. Greiner, Senate Chair
Rep. Douglas C. Aagard, House Cochair
Rep. Lorie D. Fowlke, House Cochair
Sen. Lyle W. Hillyard
Sen. Ross I. Romero
President Michael G. Waddoups
Rep. Sheryl L. Allen
Rep. Trisha S. Beck
Rep. Jim Bird
Rep. Richard A. Greenwood
Rep. Keith Grover
Rep. Eric K. Hutchings
Rep. Don L. Ipson
Rep. Brian S. King
Rep. Kay L. McIff
Rep. Curtis Oda

Rep. Jennifer M. Seelig
Rep. Larry B. Wiley
Rep. Carl Wimmer

Members Absent:

Sen. D. Chris Buttars
Sen. Scott D. McCoy
Rep. Rebecca D. Lockhart
Rep. Mark A. Wheatley

Staff Present:

Jerry D. Howe, Policy Analyst
Stewart E. Smith, Policy Analyst
Susan Creager Allred, Associate General Counsel
Esther D. Chelsea-McCarty, Associate General Counsel
Amanda K. Majers, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Aagard called the meeting to order at 2:14 p.m. Sen. McCoy was excused from the meeting.

MOTION: Rep. Allen moved to approve the minutes of the September 16, 2009 meeting. The motion passed unanimously, with Sen. Hillyard, Sen. Romero, President Waddoups, Rep. Grover, Rep. Hutchings, Rep. Ipson, Rep. Seelig, Rep. Wiley, and Rep. Wimmer absent for the vote.

2. Statutorily Required Reports

A. DUI Related Data and Processes

Ms. Mary Lou Emerson, Director, Utah Substance Abuse & Anti-Violence Coordinating Council, Utah Commission on Criminal and Juvenile Justice, discussed "Seventh Annual DUI Report to the Utah Legislature: Executive Summary," which was distributed to the Committee prior to the meeting.

B. Maximum Amount of Small Claims Actions

Mr. Rick Schwermer, Administrative Office of the Courts, stated that the Judicial Council is required to make recommendations concerning the maximum dollar amount for small claims actions. He recommended leaving the amount at the current level, because it was raised sufficiently during the 2009 General Session.

C. Dispute Resolution Programs

Mr. Schwermer distributed and discussed "Utah State Court Alternative Dispute Resolution Programs," which details the alternative dispute resolution programs implemented in different jurisdictions statewide and the success of those programs.

D. Status of Housing Inmates in County Jails

Mr. Mike Haddon, Deputy Director, Utah Department of Corrections, discussed "Jail Report: 2009 Report to the Judiciary & Law Enforcement Interim Committee," which was distributed to the Committee prior to the meeting. He also gave a presentation and distributed "UDCStat: Corrections Business Intelligence Instructional Information."

3. Board of Pardons Technical Amendments

Rep. Hutchings discussed 2010 General Session draft legislation, "Board of Pardons and Parole Technical Amendments," which was distributed to the Committee prior to the meeting.

Mr. Clark Harms, Utah Board of Pardons and Parole, distributed and discussed "Board of Pardons and Parole Technical Amendments (10-05-2009 DRAFT - 2010FL-0411/002): Bill Summary."

Rep. Hutchings and Mr. Harms answered questions from the Committee.

MOTION: Rep. Hutchings moved to amend 2010 General Session draft legislation, "Board of Pardons and Parole Technical Amendments" on line 104 to add the language "fewer than three or" between the words "not" and "more than five." The motion passed unanimously, with Sen. Hillyard and President Waddoups absent for the vote.

MOTION: Rep. Fowlke moved to adopt favorably 2010 General Session draft legislation, "Board of Pardons and Parole Technical Amendments," as amended, as a committee bill. The motion passed unanimously, with Sen. Hillyard and President Waddoups absent for the vote.

4. Restrictions on Use of Wireless Telephones in Vehicles

Rep. Phil Riesen discussed 2010 General Session draft legislation, "Restrictions on Use of Wireless Telephones in Vehicles," which was distributed to the Committee prior to the meeting. He also gave statistics concerning the use of wireless telephones in vehicles and accidents caused by that use.

Mr. David Strayer, Professor, University of Utah, gave testimony concerning driver distraction and the use of wireless telephones while operating a motor vehicle.

Rep. Riesen and Mr. Strayer answered questions from the Committee.

Ms. Linda Mulkey, a citizen, described how a driver's use of a wireless telephone in a vehicle led to the death of her daughter.

Mr. Cameron Archibald, a Brighton High School student, read a statement from Joanne Wells, a Brighton High School teacher, concerning her involvement in an accident while driving and using a wireless telephone.

Rep. Riesen continued to answer questions from the Committee.

MOTION: Rep. Wimmer moved to continue to the next agenda item. The motion passed unanimously, with Sen. Hillyard, President Waddoups, Rep. Grover and Rep. Seelig absent for the vote.

5. Court Fees For Inmates

Rep. Oda discussed 2010 General Session draft legislation, "Court Fees for Inmates," which was distributed to the Committee prior to the meeting.

Mr. Thomas Roberts, Assistant Attorney General, Utah Office of the Attorney General, further explained the draft legislation and spoke in favor of it.

Rep. Oda and Mr. Roberts answered questions from the Committee.

MOTION: Rep. Oda moved to adopt favorably 2010 General Session draft legislation, "Court Fees For Inmates," as a committee bill. The motion passed unanimously, with Sen. Hillyard, Sen. Romero, Rep. Grover, and Rep. Seelig absent for the vote.

6. Inmate Health Insurance Amendments

Rep. Paul Ray discussed 2010 General Session draft legislation, "Inmate Health Insurance Amendments," which was distributed to the Committee prior to the meeting.

Rep. Ray and Mr. Haddon answered questions from the Committee.

Mr. Kelly Atkinson, Executive Director, Utah Health Insurance Association, informed the Committee that he discussed this issue with insurance carriers and looked for actuarial data as requested by the Committee at its June 17, 2009 meeting, but the information requested is not available because inmates are not currently covered; therefore, data are not collected or studied.

Rep. Ray and Mr. Atkinson answered questions from the Committee.

MOTION: Rep. King moved to adopt favorably 2010 General Session draft legislation, "Inmate Health Insurance Amendments," as a committee bill. Committee discussion followed.

SUBSTITUTE MOTION: Rep. Bird moved to continue to the next agenda item. The substitute motion failed, with Rep. Allen, Rep. Bird, Rep. Ipson, Rep. Oda, and Rep. Wimmer voting in favor. Sen. Hillyard, Sen. Romero, Rep. Grover, and Rep. Seelig were absent for the vote.

The original motion passed, with Rep. Allen, Rep. Bird, Rep. Ipson, Rep. Oda, and Rep. Wimmer voting in opposition. Sen. Hillyard, Sen. Romero, Rep. Grover, and Rep. Seelig were absent for the vote.

7. Expungement Revisions

Rep. Julie Fisher discussed 2010 General Session draft legislation, "Expungement Revisions," which was distributed to the Committee prior to the meeting. She also distributed and discussed "Expungement Revisions - J. Fisher."

Ms. Lana Taylor, Assistant Attorney General, Utah Office of the Attorney General, distributed and discussed "Expungement Revisions."

Ms. Alice Erickson, Bureau Chief, Bureau of Criminal Identification, spoke in favor of the draft legislation.

Rep. Fisher and Ms. Taylor answered questions from the Committee.

Mr. Robert Walten, Utah Support Advocates for Recovery Awareness, spoke in favor of the draft legislation.

Rep. Fisher asked that this issue be on the agenda for the next committee meeting.

8. Post-Conviction Remedies Amendments

This agenda item was not discussed.

9. Juvenile Transfers from Justice Court

This agenda item was not discussed.

10. Dating Violence

This agenda item was not discussed.

11. Other Business / Adjourn

MOTION: Rep. Ipson moved to adjourn the meeting. The motion passed unanimously, with Sen. Greiner, Sen. Hillyard, Sen. Romero, President Waddoups, Rep. Grover, Rep. McIff, and Rep. Seelig absent for the vote.

Chair Aagard adjourned the meeting at 4:36 p.m.